

ABSENT—1.

Burges.

Senator Allen entered a motion to reconsider the vote just taken.

Senator Armistead offered the following resolution:

Resolved, That after bills on their third reading have been disposed of, each Senator, as his name appears on the roll of the Senate, shall be permitted to call up for consideration any one local bill pending in the Senate.

The resolution was ordered to lie on the table one day.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 253, being "An act to require convicts to the penitentiaries to this State to work upon the public roads of this State and upon the public streets of incorporated cities, towns and villages within which any of the penitentiaries of this State may be situated, and to enforce the same by proper penalties,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

Senator Field sent up the following free conference committee report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House of Representatives:

Your free conference committee, to whom was referred the differences existing between the two houses on

Substitute House bill No. 574, "An act to amend chapter 11, title 84, of the Revised Civil Statutes of the State of Texas, so as to add thereto another article, to be known as article 4260a," have had the same under consideration, and report it back with the recommendation that the Senate amendments on page 2, line 19 thereof, be amended by striking out the word "thereof" and inserting the

words "of the sold out corporation. We recommend that, as thus amended, the House concur in the Senate amendments.

All of which is respectfully submitted.

BROWN of Grayson,
HAMBLEN,
POPE,
House Committee.
FIELD,
LANE,
SEALE,
Senate Committee.

On motion of Senator Field,
The report was adopted.

Senator Claiborne moved to adjourn till 2:30 p. m.

Senator Burney moved to adjourn till 10 o'clock to-morrow morning.

The longer time being put first,
The Senate adjourned till 10 o'clock to-morrow morning.

By the following vote:

YEAS—14.

Abercrombie,	Harrison,
Armistead,	Ingram,
Atlee,	Johnson,
Burney,	Seale,
Davis,	Simkins,
Field,	Upshaw,
Glasscock,	Woodward.

NAYS—12.

Allen,	Lane,
Claiborne,	Maetze,
Cranford,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Kimbrough,	Tyler.

ABSENT—3.

Burges,	Pope.
McDonald,	

SIXTY-FOURTH DAY.

SENATE CHAMBER.
AUSTIN, March 28, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Maetze,
The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Harrison:

Memorial from Camp Pat Cleburne, Waco, Texas, in behalf of the Confederate Home at Austin, Texas.

Referred to Committee on State Affairs.

Senator Glasscock asked to have the Journal of yesterday corrected, so as to show that he voted "yea" instead of "nay" on Senator Allen's motion to substitute the minority (favorable) for the majority (unfavorable) report on substitute House bills Nos. 22 and 187, a bill to be entitled "An act to amend article 2979 of title 54 of the Revised Civil Statutes of the State of Texas."

Journal corrected.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bills:

Senate bill No. 53, a bill to be entitled "An act to amend an act entitled an act to provide for the venue of suits for damages growing out of attachment and sequestration suits, approved March 25, 1887."

And

Senate bill No. 158, a bill to be entitled "An act to amend article 2838 of the Revised Statutes,"

By a two-thirds vote—yeas, 78; nays, 3; with an amendment.

And

Senate bill No. 244, a bill to be entitled "An act to amend article 4466 of the Revised Civil Statutes of the State of Texas,"

With an amendment.

W. M. IMBODEN,
Chief Clerk House of Representatives.

REPORTS OF STANDING COMMITTEES.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on General Land Office, to whom was referred

Joint resolution No. 20, directing the Commissioner of the General Land Office to move his office and the books, records and papers belonging thereto

into the new Capitol building, and to have committees on the part of the Senate and of the House appointed to select rooms into which such office, records and papers shall be moved,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 376, entitled "An act to provide for holding the terms of the Supreme court and Court of Appeals at Austin,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

By Senator Townsend:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred

Senate joint resolution No. 23, to determine for what purposes the Representative Hall of the State Capitol shall be used,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TOWNSEND,
Chairman.

Bill read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate substitute bill No. 153, being "An act to regulate the practice of dentistry in the State of Texas,"

And find the same correctly enrolled, and have this day, at 3:35 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 94, being "An act to legalize the donation of property, to establish or assist in establishing professorships or scholarships in the University of Texas or any of its branches, and to provide for the security and protection of their benefits, in accomplishing the objects of their donors,"

And find the same correctly enrolled, and have this day, at 3:35 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 389, being "An act to restore to and confer upon the county courts of Camp and Greer counties the jurisdiction, civil and criminal, heretofore belonging to said counties under the Constitution and General Laws of the State; to confirm the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with this act,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared

Senate bill No. 313, being "An act to diminish the civil and criminal ju-

risdiction of the county courts of Hale, Oldham, Lipscomb, Hansford, Roberts, Hemphill and Carson counties, and to conform the jurisdiction of the district courts of said counties to the change,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 375, being "An act to amend article 1056, chapter 2, title 15, of the Code of Criminal Procedure as amended by an act of the Eighteenth Legislature, approved April 12, 1883,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Sims:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Substitute House bill No. 666, entitled "An act to amend an act passed by the Twenty-first Legislature, approved March 19, 1889, amending an act entitled an act to amend section 13 of an act entitled an act to amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, which was approved March 23, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Bill read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 390, entitled "An act to amend articles 4742 and 4743 of the Revised Statutes of the State of Texas, and to add thereto another article, to be known as 4743a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No 1, to whom was referred

House bill No. 377, entitled "An act to amend article 421, title 17 of chapter 4 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No 1, to whom was referred

House bill No. 379, entitled "An act to exempt from the payment of debts all money recovered or liquidated by agreement for settlement on account of personal injuries, and to prevent the same from being so applied by garnishment, execution or other legal process,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Claiborne:

Be it Resolved, That the XXI Legislature stand adjourned sine die on Monday, the first day of April, 1889, at 12 m.

CLAIBORNE,
HARRISON,
SEALE,
JOHNSON,
CRANFORD.

Referred to Committee on State Affairs.

By Senator Finley:

A bill to be entitled "An act to amend article 426, title 17, chapter 5, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

By Senator Atlee:

A bill to be entitled "An act to amend chapter 61, an act to amend section 38 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 25, 1887.

Referred to Committee on Judicial Districts.

On motion of Senator Kimbrough, the regular order of business was suspended to take up

Senate bill No. 392, "An act to provide for the repeal of the charter of East Dallas and the annexation of the territory thereof to the city of Dallas."

The bill was laid before the Senate and read the second time, with a favorable committee report.

The bill was ordered engrossed.

On motion of Senator Kimbrough, The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—28.

Abercrombie,	Davis,
Allen,	Field,
Armistead,	Finley,
Atlee,	Frank,
Burges,	Glasscock,
Claiborne,	Harrison,
Cranford,	Ingram,

Johnson,	Simkins,
Kimbrough,	Sims,
Lane,	Stephens,
Maetze,	Townsend,
McDonald,	Tyler,
Pope,	Upshaw,
Seale,	Woodward.

NAYS—None.

ABSENT—1.

Burney.

The bill was read the third time and passed.

Senator Armistead called up his resolution, to wit:

Resolved, That after bills on their third reading have been disposed of, each Senator, as his name appears on the roll of the Senate, shall be permitted to call up for consideration any one local bill pending in the Senate.

On motion of Senator Armistead, The word "local" was stricken out of the resolution.

Senator Stephens moved to add night sessions for local business.

Ordered to lie over one day.

Senator Johnson moved to reconsider the vote by which the word "local" was stricken out of the resolution.

Lost.

Senator Burney offered the following amendment:

"This rule shall apply to morning sessions only."

Senator Harrison moved to

Strike out the word "morning" and insert "evening."

Senator Johnson offered the following substitute for the resolution and amendments:

Resolved, That the roll be now called, and that each Senator as his name is called be permitted to call up one local measure, which may be acted upon by the Senate.

Senator Townsend moved the previous question on the resolution and the amendments.

Seconded.

Main question ordered.

Senator Harrison's amendment to Senator Burney's amendment was lost.

Senator Burney's amendment was adopted.

Senator Johnson's substitute was lost.

The resolution, as amended, was adopted.

Senator Abercrombie called up out of its regular order

Senate bill No. 187, a bill to be entitled "An act to amend chapter 4, title 17, of the Revised Civil Statutes of the State of Texas by adding thereto article 410a."

The bill was laid before the Senate and read the second time.

Senator Abercrombie moved to

Amend by adding section 2 to the bill, as follows:

Section 2. The importance of the immediate passage of this bill and the fact that the close of the present session of the Legislature is near at hand, as well as the great number of bills now pending before the Legislature, creates an emergency and an imperative public necessity for the suspension of the rule requiring bills to be read on three several days, and it is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Abercrombie, The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—4.

Burges,	Pope,
Kimbrough,	Upshaw.

The bill was read the third time, and

Passed by the following vote:

YEAS—24.

Abercrombie,	Davis,
Allen,	Field,
Armistead,	Finley,
Atlee,	Frank,
Burney,	Harrison,
Cranford,	Ingram,

Johnson,
Lane,
Maetze,
McDonald,
Seale,
Simkins,

Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—5.

Burges,
Claiborne,
Glasscock,

Kimbrough,
Pope.

By leave Senator Lane sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

Substitute Senate bills No. 79, 91, 92 and House bill No. 636, entitled "An act to create a more efficient road system for the State, and authorizing the employment of road commissioners, define their duties and powers and fixing a penalty for failure of duty, and further defining the duties and powers of county commissioners' courts,"

Have had the same under consideration, and a majority of said committee instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

On motion of Senator Allen,

The constitutional rule was suspended to put

Substitute for Senate bills Nos. 79, 91 and 92, and House bill No. 636, the bill just reported,

On its second reading, by the following vote:

YEAS—26.

Allen,
Armistead,
Atlee,
Burges,
Claiborne,
Cranford,
Davis,
Field,
Finley,
Frank,
Glasscock,
Harrison,
Ingram,

Johnson,
Kimbrough,
Maetze,
McDonald,
Pope,
Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—3.

Abercrombie,
Burney,

Lane.

The bill was laid before the Senate and read the second time.

Senator Field moved to

Amend section 6 by adding after the word "collected" in line 5 the following: "In such precinct."

Adopted.

Senator Kimbrough moved to

Amend section 8, page 3, by inserting the words "or road commissioners" after the word "courts" in line.

Adopted.

Senator Burges moved to

Amend by adding to section 9: "Provided, nothing in this law shall be construed so as to require more than five days' service in one year of any citizen."

Adopted.

The bill, as amended, was ordered engrossed.

On motion of Senator Glasscock,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—29.

Abercrombie,
Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Finley,
Frank,
Glasscock,
Harrison,
Ingram,

Johnson,
Kimbrough,
Lane,
Maetze,
McDonald,
Pope,
Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

The bill was read the third time.

Senator Sims moved to

Amend by adding at end of section 3 as follows: "And the road overseers shall be required to first expend the money in his hands belonging to the road fund of his district before calling on or summoning parties subject to road duty to work on such roads."

Senator Finley offered the following:

Substitute for the amendment of the Senator from Coleman:

"Provided, that hands shall not be

required to work when there shall be on hand, after building and repairing bridges, a sufficient road fund to provide for the necessary work on the roads."

Senator Armistead moved the previous question on the bill and amendments.

Seconded.

The main question was ordered.

Senator Finley's substitute for Senator Sims' amendment was

Lost by the following vote:

YEAS—11.

Burney,	Lane,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Glasscock,	Tyler.
Kimbrough,	

NAYS—16.

Abercrombie,	Harrison,
Allen,	Johnson,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Pope,
Claiborne,	Townsend,
Cranford,	Upshaw,
Davis,	Woodward.

ABSENT—2.

Ingram,	Seale.
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Senator Sims' amendment was lost by the following vote:

YEAS—7.

Abercrombie,	Stephens,
Lane,	Tyler,
Pope,	Woodward.
Sims,	

NAYS—21.

Allen,	Glasscock,
Armistead,	Harrison,
Atlee,	Ingram,
Burges,	Johnson,
Burney,	Kimbrough,
Claiborne,	Maetze,
Cranford,	McDonald,
Davis,	Simkins,
Field,	Townsend,
Finley,	Upshaw.
Frank,	

ABSENT—1.

Seale.

The bill passed by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Tyler,
Finley,	Upshaw,
Frank,	Woodward.
Glasscock,	

NAYS—2

Harrison.

ABSENT—1.

Townsend.

Senator Pope announced a pair with Senator Seale, the former would vote "aye," the latter "nay," if he were present.

Senator Atlee called up

Substitute Senate bill No. 146, a bill to be entitled "An act to amend articles 798 and 799 of the Penal Code of the State of Texas,"

Out of its regular order.

The bill was laid before the Senate and read the second time.

Senator Atlee moved to

Amend by adding:

The near approach of the close of the present Legislature creates an imperative public necessity for the immediate passage of this bill, therefore the constitutional rule requiring bills to be read on three several days should be suspended, and is so enacted.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Atlee,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—26.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Maetze,
Burges,	McDonald,
Claiborne,	Pope.
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—3.

Abercrombie, Lane.
Burney,

The bill was read the third time and passed.

Senator Armistead called up out of its regular order

House bill No. 208, a bill to be entitled "An act to amend chapter 3, title 92 of the Revised Civil Statutes of the State of Texas, relating to certain duties of State or county officers, by adding thereto article 4544a, providing a penalty for failure or refusal to perform such duties."

The bill was laid before the Senate and read the second time.

Senator Armistead offered the following amendment:

Section 2. The near approach of the close of the present session of the Legislature, and the improbability of the passage of this act in the ordinary course of legislation, creates an imperative public necessity requiring that the rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

The amendment was adopted by the following vote:

YEAS—25.

Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Ingram,	Upshaw,
Johnson,	Woodward.
Kimbrough,	

NAYS—None.

ABSENT—4.

Abercrombie, Glasscock,
Burgess, Harrison.

(Senator McDonald, President pro tem., in the chair.)

The bill as amended passed to its third reading.

On motion of Senator Armistead,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—26.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Townsend,
Ingram,	Upshaw,
Johnson,	Woodward.

NAYS—None.

ABSENT—3.

Abercrombie, Claiborne.
Burgess,

The bill was read the third time and passed by the following vote:

YEAS—26.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Johnson,	Woodward.

NAYS—1.

Ingram.

ABSENT—2.

Abercrombie, Burgess.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed the following bills:

House bill No. 512, a bill to be entitled "An act to repeal an act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved March 18, 1885, and to re-enact section 8 of an act establishing and prescribing the manner of ascertain-

ing the boundaries of counties, approved April 22, 1879."

And

House substitute for Senate bill No. 364, a bill to be entitled "An act to amend sections 2 and 4 of an act entitled an act to amend articles 8 and 14 of an act entitled an act to redistrict the State into judicial districts and to fix the times of holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 19, 1883; to create the Fortieth judicial district of the State of Texas, fix the times for holding courts therein, and provide for the appointment of a district judge for said district, approved March 27, 1885."

Under a suspension of the constitutional rule and by a two-thirds vote—yeas, 82, nays, none.

W. M. IMBODEN,

Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has adopted the report of the free conference committee on

Substitute House bill No. 574, "An act to amend chapter 11, title 84, of the Revised Civil Statutes of the State of Texas, so as to add thereto another article, to be known as article 4260a."

W. M. IMBODEN,

Chief Clerk House of Representatives.

By leave

Senator Pope sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 309, entitled "An act to further provide for the regulation of railway and express companies doing business in the State of Texas, and to provide for the appointment of a railway commissioner and secretary, and to prescribe their salaries and duties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be considered in connection with Senate bill No. 344, on the same subject.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate

Substitute House bill No. 574, "An act to amend chapter 11, title 84 of the Revised Civil Statutes of the State of Texas, so as to add thereto another article, to be known as article 4260a;"

And

House bill No. 36, "An act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887."

The President referred House substitute for Senate bill No. 364 to the Committee on Judicial Districts, and House bill No. 512 to the Committee on State Affairs.

Senator Burges called up, out of its regular order,

Senate bill No. 275, a bill to be entitled "An act to amend article 4667, title 95, chapter 1, of the Revised Civil Statutes of Texas."

The bill was laid before the Senate and read the second time.

On motion of Senator Pope,

The Senate took a recess till 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum.

Absent without excuse:

Senators Burges, Finley, Glasscock, Kimbrough, McDonald, Simkins, Stephens and Upshaw.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

On motion of Senator Pope,

Senator Seale was excused till tomorrow, on account of sickness.

Senators Burges and Upshaw were announced at the door.

The President announced a quorum present.

On motion of Senator Davis,
The call was suspended.

On motion of Senator Woodward,
Senator Abercrombie was excused
for the afternoon on account of sick-
ness.

Senate bill No. 158, a bill to be en-
titled "An act to amend title 50,
article 2838, of the Revised Statutes,"
was laid before the Senate with House
amendments.

On motion of Senator Woodward,
The Senate concurred in the House
amendments.

Senate concurrent resolution No. 8,
requesting Senators and Representa-
tives from Texas in Congress to secure
passage of joint resolution appointing
a board of three engineer officers of
the United States army to make ex-
amination of Northwest coast of Gulf
of Mexico for the purpose of selecting
most suitable location for deep water
harbor, and to procure a permanent
appropriation therefor,"

Was laid before the Senate with
House amendments.

On motion of Senator Tyler,
The Senate concurred in the House
amendments.

Senate bill No. 244, a bill to be en-
titled "An act to amend article 4466 of
the Revised Civil Statutes of the State
of Texas,"

Was laid before the Senate with
House amendment.

On motion of Senator Claiborne,
The Senate concurred in the House
amendments.

By leave,
Senator Sims sent up the following
committee report:

COMMITTEE ROOM,
AUSTIN, March 27, 1889.

*Hon. T. B. Wheeler, President of the
Senate:*

Your Committee on Judicial Dis-
tricts, to whom was referred

Senate bill No. 395, entitled "An act
to amend chapter 61, an act entitled
an act to amend section 38 of an act
entitled an act to redistrict the State
into judicial districts, and to fix the
time for holding court therein, and to
provide for the election of judges and
district attorneys in said districts at
the next general election," to be held on
the first Tuesday after the first Mon-
day in November, 1884, approved
April 9, 1883, approved March 25,
1887,"

Have had the same under consider-
ation, and instruct me to report it back

to the Senate with the recommenda-
tion that it do pass.

All of which is respectfully sub-
mitted.

SIMS,
Chairman.

Bill read first time.

Senator Claiborne called up, out of
its regular order,

Senate bill No. 220, a bill to be en-
titled "An act to amend article 218 of
the Penal Code of the State of Texas,"

With a committee substitute.

On motion of Senator Claiborne,
The committee substitute was
adopted.

The bill was read the second time
and ordered engrossed.

Senator Claiborne offered the follow-
ing amendment:

Section 2. Whereas, There exists no
law providing a penalty for county
convicts who escape from county work
houses, manual labor farms and the
like, which creates an imperative pub-
lic necessity and emergency that the
rules be suspended, and is so enacted

The amendment was adopted by the
following vote:

YEAS—27.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

On motion of Senator Claiborne,
The constitutional rule was sus-
pended to place the bill on its third
reading and final passage by the fol-
lowing vote:

YEAS—25.

Allen,	Ingram,
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	McDonald,
Cranford,	Pope,
Davis,	Simkins,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—1.

Sims.

ABSENT—1.

Stephens.

The bill was read the third time, and
Passed by the following vote:

YEAS—24.

Allen,	Ingram,
Armistead,	Johnson,
Atlee,	Lane,
Burges,	Maetze,
Claiborne,	McDonald,
Cranford,	Pope,
Davis,	Simkins.
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—2.

Kimbrough, Sims.

ABSENT—1.

Burney.

The following message was received
from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 28, 1889.

*Hon. T. B. Wheeler, President of the
Senate:*

SIR—I am directed to inform the
Senate that the House has passed

Substitute House bill No. 616, "An
act to amend an act incorporating the
city of San Antonio, approved August
13, A.D. 1870, and all acts amendatory
thereof; to provide for the repeal of
certain sections thereof, to add certain
sections thereto, and to validate all
amendments thereto and all acts there-
under,"

Passed under suspension of consti-
tutional rule—yeas, 82; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

On motion of Senator Lane,
Senate bill No. 344, a bill to be enti-
tled "An act to provide for the ap-
pointment of a railway commission
and to provide his powers and duties,"

Was taken up out of the regular
order by the following vote:

YEAS—19.

Allen,	Lane,
Atlee,	Maetze,
Burges,	Pope,
Burney,	Sims,
Cranford,	Stephens,
Davis,	Townsend,
Field,	Tyler,
Finley,	Upshaw,
Frank,	Woodward.
Harrison,	

NAYS—8.

Armistead,	Johnson,
Claiborne,	Kimbrough,
Glasscock,	McDonald,
Ingram,	Simkins.

The bill was laid before the Senate
and read the second time with a fa-
vorable committee report.

Senator Pope offered a substitute
for the bill.

Senator Kimbrough moved to post-
pone action on the matter and have
the substitute printed with Senator
Stephens' Senate bill No. 309, and
have both printed and make them the
special order for to-morrow afternoon.

Senator Claiborne moved as a substi-
tute for that motion to postpone the
matter till the second day of April, to
be considered with Senate bill No. 5.

Senator Tyler moved to table the
motions to postpone.

Senator Frank called for a division
of the question.

Senator Claiborne's motion to post-
pone till the second of April, was lost
by the following vote:

YEAYS—19.

Atlee,	Harrison,
Burges,	Ingram,
Burney,	Lane,
Claiborne,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw.
Glasscock,	

NAYS—8.

Allen,	Maetze,
Armistead,	McDonald,
Johnson,	Simkins,
Kimbrough,	Woodward.

Senator Claiborne entered a motion
to reconsider the vote just taken.

Senator Pope moved to table the
motion to reconsider.

Senator Lane made the point of order that a motion to reconsider a vote tableing a motion was out of order.

The point of order was sustained and the motion to reconsider was declared out of order.

The motion to postpone, print and make special order for to-morrow afternoon was adopted by the following vote:

YEAS—19.

Allen,	Harrison,
Armistead,	Ingram,
Atlee,	Johnson,
Claiborne,	Kimbrough,
Cranford,	Maetze,
Davis,	McDonald,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens.
Glasscock,	

NAYS—8.

Burges,	Townsend,
Burney,	Tyler,
Lane,	Upshaw,
Pope,	Woodward.

After having publicly read their captions, the President gave notice of signing, and did sign in open session of the Senate,

Substitute House bill No. 48, "An act to promote the development of the mining resources of Texas;" and

House bill No 156, "An act to provide for the purchase of a site for and the establishment, location and construction of an asylum in South-western Texas for the care and treatment of the same, and to make an appropriation therefor."

On motion of Senator Townsend,

Senate bill No. 170, a bill to be entitled "An act to amend articles 186 and 186a of the Penal Code of the State of Texas, as amended by an act approved April 2, 1887, passed by the Twentieth Legislature, regulating sales on Sunday,"

Was taken up out of the regular order by the following vote:

YEAS—19.

Armistead,	Maetze.
Atlee,	McDonald,
Burges,	Pope,
Claiborne,	Sims,
Davis,	Stephens,
Field,	Townsend,
Glasscock,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.
Lane,	

NAYS—9.

Allen,	Frank,
Burney,	Harrison,
Cranford,	Ingram,
Davis,	Simkins.
Finley,	

The bill was laid before the Senate.

Senator Townsend called up his motion to reconsider the vote by which the Senate adopted Senator Sims' amendment, to wit:

Amend by adding after the word "afternoon," in line 10, page 1, as follows: "Or any saloon keeper or employe in any saloon or house where intoxicating liquors are sold, shall sell, barter or permit his house or place of business to be kept open any time on Sunday."

The vote was reconsidered by the following vote:

YEAS—15.

Armistead,	Kimbrough,
Atlee,	Maetze,
Burges,	Pope,
Burney,	Townsend,
Claiborne,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Johnson,	

NAYS—10.

Allen,	Ingram,
Cranford,	McDonald,
Davis,	Simkins,
Finley,	Sims,
Frank,	Stephens.

ABSENT—2.

Field,	Lane.
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On motion of Senator Woodward,
The amendment was tabled by the following vote:

YEAS—16.

Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Johnson,	Woodward.

NAYS—11.

Allen,	Field,
Cranford,	Finley,
Davis,	Frank,

Ingram,
McDonald,
Simkins,

Sims,
Stephens.

Senator Frank moved to

Amend by striking out the word "between" in line 12 and insert in lieu thereof the word "after" and amend by striking out all after the word "forenoon," line 12, down to and including the word "afternoon" in line 13.

On motion of Senator Townsend the amendment was tabled by the following vote:

YEAS—16.

Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Johnson,	Woodward.

NAYS—10.

Allen,	Ingram,
Cranford,	McDonald,
Davis,	Simkins,
Finley,	Sims,
Frank,	Stephens.

ABSENT—1.

Field.

Senator Kimbrough moved the previous question on the bill.

Seconded.

The main question was ordered.

The bill was ordered engrossed by the following vote.

YEAS—16.

Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	Pope,
Field,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Johnson,	Woodward.

NAYS—11.

Allen,	Ingram,
Armistead,	McDonald,
Cranford,	Simkins,
Davis,	Sims,
Finley,	Stephens.
Frank,	

Senator Townsend offered the following amendment:

WHEREAS, The near approach of the close of the session there exists a necessity for a suspension of the constitutional rule requiring bills to be read on three several days; and it is so suspended.

Adopted by the following vote:

YEAS—18.

Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Field,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Johnson,	Woodward.

NAYS—9.

Allen,	Ingram,
Cranford,	Simkins,
Davis,	Sims,
Finley,	Stephens.
Frank,	

Senator Townsend moved to suspend the constitutional rule to put the bill on its third reading and final passage.

The motion was lost by the following vote:

YEAS—18.

Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Field,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Johnson,	Woodward.

NAYS—9.

Allen,	Ingram,
Cranford,	Simkins,
Davis,	Sims,
Finley,	Stephens.
Frank,	

The President referred substitute House bill No. 616, to the Committee on State Affairs,

And

House bill No. 627, to Committee on Internal Improvements.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate bill No. 187, being "An act to amend chapter 4, title 17 of the Revised Civil Statutes of the State of Texas by adding thereto article 410a,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By leave

The following committee report was sent up

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

House bill No. 307, entitled "An act to regulate the presentation and collection of personal services or for damages or for overcharge on freight against railway companies doing business in this State in case where the amount claimed does not exceed fifty dollars, and to fix the measure of damages recoverable in certain of such cases,"

Have had the same under consideration, and a majority instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out "local" before "agent" in line 26, section 1, and insert the word "station."

Strike out in line 28, section 1, the words "suit may be instituted," and insert "the cause of action arose."

Strike out "ten" in line 30, section 1, and insert "thirty."

Strike out in line 14, page 2, the word "twenty," and insert "ten."

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time, with committee amendments.

By Senator Sims:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House substitute for Senate bill No. 364, entitled "An act to amend sections 2 and 4 of an act entitled an act to amend articles 8 and 14 of an act entitled an act to re-district the State

into judicial districts and to fix the time of holding court therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 19, 1883, to create the Fortieth judicial district of the State of Texas, fix the times for holding courts therein, and provide for the appointment of a district judge for said district, approved March 27, 1885,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Bill read first time.

On motion of Senator Stephens, Senate bill No. 279, a bill to be entitled "An act to create the Hale, Potter, Carson, Lipscomb, Childress, Midland, Stonewall and Howard land districts, and to amend sections 1 and 3 of an act entitled an act to create the Martin, Scurry, Crosby and Knox land districts, approved April 1, 1887," was taken up out of its regular order by the following vote:

YEAS—23.

Allen,
Armistead,
Atlee,
Burney,
Cranford,
Davis,
Field,
Finley,
Frank,
Glasscock,
Harrison,
Ingram,

Johnson,
Kimbrough,
Lane,
McDonald,
Pope,
Simkins,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—4.

Burges,
Claiborne,

Maetze,
Townsend.

Senator Stephens moved to suspend the constitutional rule to put the bill on its third reading and final passage.

The motion was lost by the following vote:

YEAS—18.

Allen,
Armistead,
Atlee,
Burney,

Cranford,
Field,
Frank,
Glasscock,

Harrison,
Kimbrough,
Maetze,
McDonald,
Simkins,

Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—4.

Burges,
Claiborne.

Lane,
Townsend.

ABSENT—5.

Davis,
Finley,
Ingram,

Johnson,
Pope.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed, under a suspension of the constitutional rule,

House bill No. 627, a bill to be entitled "An act to establish and prescribe maximum rates of freight allowed to be charged and collected by the railroad companies of this State for transportation on cotton in bales, and prescribing a penalty for the violation of its provisions."

The House refuses to concur in the Senate amendments to House bill No. 84, the "Occupation Tax bill," and asks for a conference committee on the differences between the two houses.

The House has concurred in the Senate amendment to

House bill No. 302, a bill to be entitled "An act to prevent the duplication of process for witnesses in felony cases."

W. M. IMBODEN,
Chief Clerk House Representatives.

On motion of Senator Pope,

The Senate insisted on its amendments to House bill No. 84, just received from the House, and

The President appointed on the part of the Senate, Senators Pope, Armistead and Cranford on the conference committee to adjust the differences between the two houses.

By leave,

Senator Simkins sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 394, entitled "An act to amend article 426, title 17, chapter 5, of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMKINS,
Acting Chairman.

Bill read first time.

By leave

Senator Cranford sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 512, entitled "An act to amend section 8, of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved March 18, 1885, and to re-enact section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved April 22, 1879,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

Senator Pope offered the following resolution:

Resolved by the Senate, the House of Representatives concurring, That a committee of three members from the Senate and a like number from the House be appointed to consider the propriety of an appropriation to erect a monument at or near the site of the Alamo building in San Antonio, Tex., to commemorate the deeds of the patriots who fell in its defense.

The resolution was adopted, and Senators Pope, Burney and McDonald were appointed on the part of the Senate.

On motion of Senator Harrison,
The regular order of business was suspended to take up House bill No. 586, a bill to be entitled "An act to lease the Temporary Capital building in the city of Austin to the board of directors of the John B. Hood Camp of Ex-Confederate Veterans."

The bill was laid before the Senate and read the second time with a favorable committee report.

Senator Finley moved to

Amend by striking out "ten years" and inserting "five years."

Senators Upshaw, Pope and Tyler spoke in opposition to the amendment.

Senator Finley spoke in favor of his amendment.

On motion of Senator Lane the amendment was tabled.

The bill passed to its third reading.

On motion of Senator Harrison,

The constitutional rule was suspended to put the bill on its third reading by the following vote:

YEAS—27.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

The bill was read the third time, and

Passed by the following vote:

YEAS—26.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—1.

Finley.

Senator Finley sent up the following reasons:

I vote "no" on the passage of this bill for the following reasons: The lease of the Temporary Capitol is worth about two hundred dollars per month. The five dollars per year charged is but nominal—equivalent to no charge—and virtually a free grant.

Section 51. Article 3 of the Constitution prohibits the Legislature from granting any public money to any individual, association of individuals, or to any municipal or other corporation whatsoever. I believe that the bill is in conflict with the spirit of this section, if not with its letter, and that the nominal sum of five dollars per year was perhaps inserted to evade this provision of the Constitution. For this reason, I vote "no."

Also for the reason that there is, in my judgment, too much disposition to grant away what belongs to the people and it should be opposed.

I voted "no" on the motion to table the amendment for the above and for the additional reason that ten years is too long a time to lease the property, at that if the necessities should exist at the end of five years the lease could be extended.

I was in the Confederate army, have been consistent in my admiration for the heroes of the lost cause and am willing to do all for them that I can, but believing the bill is unconstitutional I cannot support it.

FINLEY.

On motion of Senator Simkins,

The constitutional rule was suspended to take up

Substitute House bill No. 666, a bill to be entitled "An act to amend an act passed by the Twenty-first Legislature, approved March 19, 1889, amending an act entitled an act to amend section 13 of an act entitled an act to amend section 13 of an act to redistrict the State into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys, attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, which was approved March 23, 1887,"

By the following vote:

YEAS—25.

Allen,	Claiborne,
Armistead,	Cranford,
Atlee,	Davis,
Burney,	Field,

Finley,	Pope,
Frank,	Simkins,
Glasscock,	Sims,
Ingram,	Stephens,
Johnson,	Townsend,
Kimbrough,	Tyler,
Lane,	Upshaw,
Maetze,	Woodward.
McDonald,	

NAYS—None.

ABSENT—2.

Burges,	Harrison.
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The bill was laid before the Senate, read the second time and passed to the third reading.

On motion of Senator Simkins, the constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—26.

Allen,	Ingram.
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—1.

Lane.

The bill was read the third time and passed by the following vote:

YEAS—25.

Allen,	Ingram,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—2.

Johnson,	Townsend
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On motion of Senator Glasscock, The regular order was suspended to take up

Senate bill No. 227, a bill to be entitled "An act to amend chapter 10, title 84 of the Revised Civil Statutes by adding thereto article 4227a."

Senator Field moved to postpone the consideration of the bill till to-morrow, and that Senator Glasscock have the floor.

The motion was adopted.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Substitute House bill No. 616, entitled "An act to amend an act incorporating the city of San Antonio, approved August 13, A. D. 1870, and all acts amendatory thereof; to provide for the repeal of certain sections thereof; to add certain sections thereto, and to validate all amendments thereto and all acts thereunder,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

Cranford,
Chairman.

Bill read first time.

On motion of Senator Armistead, The constitutional rule was suspended to take up substitute House bill No. 616, the bill just reported, by the following vote:

YEAS—26.

Allen,	Ingram,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—1.

Johnson.

The bill was read the second time, and passed to its third reading.

On motion of Senator Armistead the constitutional rule was further suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Allen,	Ingram.
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—2.

Johnson, Sims.

The bill was read the third time, and

Passed by the following vote:

YEAS—24.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—2.

Cranford, Johnson.
Ingram,

Senator Field called up his motion to reconsider the vote by which the Senate adopted the minority (unfavorable) for the majority (favorable) report on

House bill No. 560, a bill to be entitled "An act to diminish the civil jurisdiction of the county court of Travis county.

Senator Woodward moved to table the motion to reconsider.

Senator Glasscock moved a call of the Senate.

Absent without excuse:

Senators Claiborne, Johnson, Cranford and Upshaw.

The Sergeant-at-Arms was dispatched to bring in the absent Senators, and

The pending business went to the table.

On motion of Senator McDonald,

The regular order of business was suspended, and

Substitute House bill No. 179, a bill to be entitled "An act to amend articles 4410, 4413, and to add article 4429a of the Revised Statutes of Texas in relation to public roads,"

Was laid before the Senate and read the second time.

Senators Claiborne and Cranford were announced at the door.

Senator Lane moved to suspend the call.

Lost by the following vote:

YEAS—15.

Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Davis,	Pope,
Field,	Sims,
Frank,	Townsend,
Harrison,	Tyler.
Ingram,	

NAYS—8.

Allen,	Kimbrough,
Burney,	Simkins,
Finley,	Stephens,
Glasscock,	Woodward.

ABSENT—4.

Claiborne,	Johnson,
Cranford,	Upshaw.

Senator Upshaw was announced at the door.

On motion of Senator Pope,

The call was suspended.

The motion to table the motion to reconsider was

Lost by the following vote:

YEAS—9.

Allen,	Simkins,
Claiborne,	Sims,
Finley,	Stephens,
Glasscock,	Woodward.
McDonald,	

NAYS—14.

Armistead,	Ingram,
Atlee,	Lane,
Burges,	Maetze,
Cranford,	Pope,
Field,	Townsend,
Frank,	Tyler,
Harrison,	Upshaw.

ABSENT—1.

Burney.

Senator Davis announced a pair with Senator Abercrombie. The former would vote aye, the latter nay if present.

Senator Kimbrough announced a pair with Senator Johnson, the former would vote aye, the latter nay, if he were present.

Senator Glasscock moved to adjourn till ten o'clock to-morrow morning, and that he be allowed the floor on the pending business in the afternoon.

Adopted by the following vote:

YEAS—14.

Allen,	Kimbrough,
Burney,	Maetze,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Finley,	Upshaw,
Glasscock,	Woodward.

NAYS—13.

Armistead,	Ingram,
Atlee,	Lane,
Burges,	McDonald,
Field,	Pope,
Frank,	Townsend,
Harrison,	Tyler.

ABSENT—1.

Johnson.

SIXTY-FIFTH DAY.

SENATE CHAMBER.

AUSTIN, March 29, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr Smoot.

On motion of Senator Upshaw,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Frank,

W. E. Donley, the Assistant Secretary, was excused for to-day, on account of sickness in his family.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,

AUSTIN, March 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 38, being "An act to amend articles 4756 and 4758, title 95, chapter 4, of the Revised Civil Statutes of the State of Texas, and to add thereto article 4756a, so as to provide a lien in favor of purchasers at tax sales when such are invalid by reason of informalities in assessment rolls."

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,

AUSTIN, March 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 392, being "An act to provide for the repeal of the charter of East Dallas and the annexation of the territory thereof to the city of Dallas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,

AUSTIN, March 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared

Senate bill No. 362, being "An act to amend article 1066 of the Code of Criminal Procedure of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,

AUSTIN, March 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 40, being "An act to amend section 1 of an act approved April 18, 1879, to amend section 1 of an act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the pas-